



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**Via Electronic Mail To:** sbadawi@aldogroup.com

**Docket No.** F-02-2020-5046

Sarab Badawi  
Aldo U.S. Inc.  
1209 N. Orange Street  
Wilmington, DE 19801-112

**Re: NOTICE OF REFUSAL OF ADMISSION**

Import of ES15 Spray & Wipe Disinfectant Cleaner, Entry No. 916-42261514

Dear Ms. Badawi:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or "the Act"), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

**Product Name:** ES15 Spray & Wipe Disinfectant Cleaner

**EPA Reg. No.:** 1839-220-64900

**EPA Est. No.:** 64900-CAN-1

**Importer:** Aldo U.S. Inc.

**Shipper:** Aldo Group

**Manufacturer:** Charlotte Products

**Entry Number:** 916-42261514

**Entry Line:** Line 6

**Bill Number:** VLSG00234205

**Arrival Date:** 06/26/2020

**Entry File Date:** 07/8/20

**Port of Entry:** 0712 – Champlain Rouses Point

**Location after Import:** Aldo US Inc Store 2032, Cherry Hill, NJ

**Units:** 22

Your company was previously notified via a Notice of Detention and Hearing ("NOD"), dated July 9, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. Specifically, your company was told that the label on the imported pesticides does not match the label accepted by EPA during the registration of the product identified on the NOA submitted for this shipment and is lacking elements required by 40 C.F.R. § 156.10, including the EPA registration number, the EPA establishment number, and a complete ingredients statement. The products in the shipment referred to above are therefore misbranded under FIFRA § 2(q), 7 U.S.C. § 136(q). Misbranded pesticides are prohibited from sale and distribution in the U.S.; therefore, the products are in violation of FIFRA § 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E).

The NOD further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the product is in compliance with the Act and eligible for entry has been submitted to EPA. Instead, on July 27, 2020, your customs broker, on your behalf, requested that your company be allowed to relabel the pesticides at the store where they had been delivered. In order for EPA to approve corrective action, the goods must still be in-bond with U.S. Customs and Border Protection and can only be corrected at a bonded warehouse which is also registered as an EPA pesticide producing establishment. Unfortunately, because the items were already released to your company and delivered to your store, EPA cannot allow a corrective action.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for complying with this notice, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA; such consideration does not extend to allowing the shipment and distribution of misbranded products into the United States.

If you have any questions, please contact Michael Brannick at 732-321-4349 or [brannick.michael@epa.gov](mailto:brannick.michael@epa.gov).

Sincerely,

*for* Dore LaPosta, Director  
Enforcement & Compliance Assurance Division

cc: Ann Marie Chenier, Aldo Group ([achenier@aldogroup.com](mailto:achenier@aldogroup.com))  
Walt Kornahrens, BDP International Inc. ([waldemar.kornahrens@bdpint.com](mailto:waldemar.kornahrens@bdpint.com))  
Normand Robichaud, Normand Robichaud Services ([normandrobichaud20@gmail.com](mailto:normandrobichaud20@gmail.com))  
Sarah Sawyer, U.S. Customs and Border Protection ([sarah.l.sawyer@cbp.dhs.gov](mailto:sarah.l.sawyer@cbp.dhs.gov))